



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

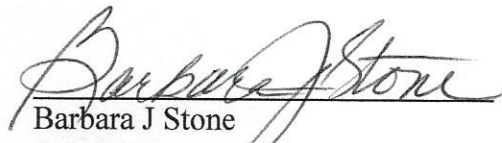
### *OF BOARD OF APPEALS*

RE: Case No. V-144-19 Martha and Adrulfo Portillo

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: September 9, 2020.

## **CERTIFICATE OF SERVICE**

This is to certify that on November 9, 2020, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
Barbara J Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting

**BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND**  
***Sitting as the Board of Zoning Appeals***

Petitioners: Martha and Adolfo Portillo

Appeal No.: V-144-19

Subject Property: Lot 19, Block A, Palmer Park Subdivision, being 7634 Muncy Road, Hyattsville,  
Prince George's County, Maryland

Witnesses: Caesar Umana, General Contractor

Rosbil Caceres, Resident

Josephina Caceres, Resident

Spanish Language Interpreter: Ruben Sotogomez

Heard: February 19, 2019; Decided: September 9, 2020

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Albert C. Scott, Vice Chairman

**RESOLUTION**

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-120.01(c) which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. A waiver of the parking area location requirement is requested.

**Evidence Presented**

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1954, contains 4,025 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with a single-family dwelling, shed w/stoop and gravel driveway. Exhibits (Exhs.) 2, 4, 10, 11 and 12 (A) thru (F).
2. Because the property is long and narrow (35' width x 115' depth), there is no other feasible area to locate the driveway. Exhs. 2, 4 and 12 (A) thru (F).
3. Petitioners propose to pave an existing gravel driveway (10' x 21'), a portion of which will be located in front of the dwelling. Therefore, a waiver of the parking area location is requested. Exhs. 2, 3 and 5 (A) thru (F).
4. Petitioner Josephina Caceres testified that they simply wish to pave the existing gravel driveway and construct an apron. She explained that her husband has health issues which affects his mobility (and the paved driveway would be safer on which to walk). She also worried for her children's safety on the busy traffic on Muncy Road. Exhs. 2, 3 and 5 (A) thru (F).
5. Petitioners revised the site plan to demonstrate the distance between the driveway and the house (2 feet) and the required 3.5 feet from the left property line. Exhs. 3 and 19.



Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board


After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being narrow limiting any other suitable area for driveway locations, the preexisting gravel driveway would be essentially paved over, health and mobility issues of a family member and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a waiver of the parking area location requirement in order to obtain a building permit for the unauthorized construction of a shed and replacement of a driveway on the property located at 7634 Muncy Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 19.

BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

**NOTICE**

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.



V-144-19





EXH. # 3  
V-144-19

## BOARD OF APPEALS

APPROVED SEP 9 2020

*[Signature]*  
ADMINISTRATOR